

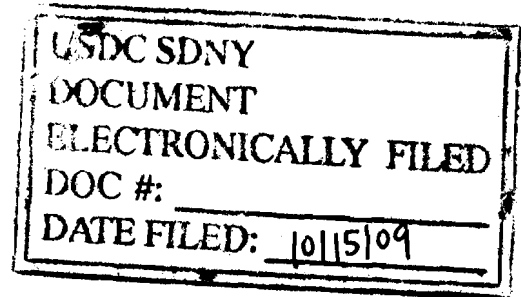
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
 THE BOARD OF TRUSTEES OF THE  
 SOUTHERN CALIFORNIA IBEW-NECA  
 DEFINED CONTRIBUTION PLAN, On Behalf of  
 Itself and All Others Similarly Situated,

Plaintiff,

vs.

THE BANK OF NEW YORK MELLON  
 CORPORATION and BNY MELLON, NATIONAL  
 ASSOCIATION,

Defendants.  
-----X

09-CV-6273 (RMB)

~~[Proposed]~~

Case Management Plan

The following Case Management Plan is entered after the parties have conferred. This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal Rules of Civil Procedure.

- (i) Joinder of additional parties by: ~~September 8, 2010~~
- (ii) Amend the pleadings by: ~~September 15, 2010~~ 10/29/09
- (iii) All discovery to be **expeditiously** completed by: ~~January 14, 2011~~ March 4, 2010
- (iv) Consent to Proceed Before Magistrate Judge: Pre-trial non-dispositive matters only
- (v) Status of Settlement Discussions: None to date 3/2/10 @ 9:00 with principals
- Sections vi through xi will be set at conference with the Court.
- (vi) Motions: to dismiss by 11/5/09; response by 12/4/09; 12/18/09 reply (on submission)
- (vii) Oral argument: \_\_\_\_\_
- (viii) Joint Pre-Trial Order to be submitted by: \_\_\_\_\_
- (ix) Final Pre-Trial Conference \_\_\_\_\_
- (x) Trial \_\_\_\_\_
- (xi) Other Move expeditiously re: discovery: issues referred to Mag Judge Reck

**SO ORDERED:** New York, New York

10/15/09

RMB

**Hon. Richard M. Berman, U.S.D.J.**